

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, v. QWEST CORPORATION AND MCI WORLDCOM COMMUNICATIONS, INC., Respondents.	DOCKET NO. FCU-02-5 (C-02-22)
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**ORDER MODIFYING THE PROCEDURAL SCHEDULE AND
NOTICE OF HEARING**

(Issued September 19, 2002)

On August 7, 2002, WorldCom, Inc. (WorldCom), filed notice with the Utilities Board (Board) that it had filed a voluntary petition in bankruptcy pursuant to Chapter 11 of the U.S. Bankruptcy Code, and asserted that any further proceedings in this action were stayed pursuant to 11 U.S.C. § 362.

On August 8, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to WorldCom's notice, asserting that this action falls under the exception to the automatic stay provision contained in 11 U.S.C. § 362(b)(4).

On August 22, 2002, the undersigned issued an order stating that the automatic stay provision of 11 U.S.C. § 362(a) does not apply to this proceeding and that the prior procedural orders remained in effect.

On September 6, 2002, WorldCom filed with the Board a request for interlocutory appeal of the administrative law judge's August 22, 2002 order, which the Consumer Advocate resisted. On September 13, 2002, the Board issued an order affirming the August 22, 2002 order, and directing the undersigned to modify the procedural schedule to allow all parties to fully participate in these proceedings.

On September 16, 2002, a telephone conference call was held to discuss modification of the procedural schedule. Participating were Mr. David Sather and Mr. Joseph Hatala for Qwest, Mr. Bret Dublinske for WorldCom, Mr. Craig Graziano for the Consumer Advocate, and the undersigned. The parties agreed to the following procedural schedule. In addition, Qwest and the Consumer Advocate agreed to the following schedule with respect to request of subpoenas.

IT IS THEREFORE ORDERED:

1. The procedural schedule issued in the July 17, 2002, order is modified as follows:

- a. WorldCom must file its prefiled testimony on or before September 27, 2002, keeping in mind the previous orders regarding what it must include;
- b. The Consumer Advocate must file responsive testimony, if any, on or before October 18, 2002;

c. If Qwest wishes to file additional testimony, it must do so on or before October 18, 2002;

d. Any party who wishes may file a prehearing brief on or before October 29, 2002; and

e. A hearing for the presentation of evidence and the cross-examination of witnesses will be held in the Utilities Board hearing room, 350 Maple Street, Des Moines, Iowa, on Thursday, November 21, 2002, beginning at 10 a.m. The parties should plan to come to the hearing at 9:45 a.m. to mark exhibits. If a party's exhibits are extensive, the party should provide an index listing the exhibits to the undersigned, opposing counsel, and the court reporter. Each party must provide a copy of its prepared testimony and all exhibits to the court reporter.

Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

2. If Qwest wishes to file a motion for a subpoena or subpoenas, it must do so no later than September 24, 2002. The motion must narrowly identify specifically what is requested, why it is needed and relevant, and what efforts Qwest has made to obtain the information voluntarily.

3. If the Consumer Advocate wishes to file a resistance to the motion, it must do so no later than September 27, 2002.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 19th day of September, 2002.